

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES REILLY

Plaintiff,

v.

Case No. 19-11249
Honorable Linda V. Parker

TIM DONNELLON, et al.,

Defendants.

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OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE’S MAY 9, 2022 REPORT AND RECOMMENDATION; (2) GRANTING ST CLAIR COUNTY DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT; AND (3) GRANTING IN PART AND DENYING WITHOUT PREJUDICE IN PART THE LAKE HURON MEDICAL CENTER DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

Plaintiff initiated this pro se civil rights lawsuit on April 30, 2019, asserting claims arising while she was an inmate at the St. Clair County Detention Center. (ECF No. 1.) In a subsequent opinion and order, some claims and Defendants were dismissed. (ECF No. 7.) Plaintiff then was granted leave to file an amended complaint (ECF No. 9), which she filed on October 17, 2019 (ECF No. 19). Two groups of Defendants—the “St. Clair County Defendants” and “the Lake Huron Medical Center (LHMC) Defendants”—filed dispositive motions. (ECF Nos. 94, 95.) The matter has been referred to Magistrate Judge Curtis Ivy, Jr. for all pretrial proceedings, including a hearing and determination of all non-dispositive matters

pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 55.)

In a Report and Recommendation (“R&R”) filed May 9, 2022, Magistrate Judge Ivy recommends that the Court dismiss Plaintiff’s claims against all Defendants except LPMC Defendants Spencer and Tarrah LNU. (ECF No. 109.) As to Defendants Spencer and Tarrah LNU, Magistrate Judge Ivy recommends that their motion for summary judgment be denied without prejudice and that they be permitted to renew the motion within a set deadline.¹ (*Id.*) At the conclusion of the R&R, Magistrate Judge Ivy advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. Magistrate Judge Ivy further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Ivy. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that the St. Clair County Defendants’ motion for summary judgment (ECF No. 94) is **GRANTED** and the following Defendants are

¹ These Defendants in fact already submitted a new summary judgment motion. (ECF No. 110.)

terminated as parties to this lawsuit: Tim Donnellon, Thomas Buckley, Matt Paulus, Tom Bliss, Greg McConnell, Karl Tomion, Howard Heidemann, Duke Dunn, Jeffery Bohm, David Rushing, Bill Gratopp, Daniel Kelly, Kyle Adams, Richard Olejnik, and St. Clair County.

IT IS FURTHER ORDERED that the LHMC Defendants' motion for summary judgment (ECF No. 95) is **GRANTED IN PART AND DENIED WITHOUT PREJUDICE IN PART** in that the following Defendants are terminated as parties to this lawsuit: Lake Huron Medical Center, Tiffany Francis, Evenson, and Pat Roberts.

Date: June 17, 2022

s/Linda V. Parker
LINDA V. PARKER
UNITED STATES DISTRICT JUDGE